



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 117 OF 2025

[Suraj S/o Sarju Sarate **vs.** State of Maharashtra, through its Secretary,
Home Department and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Sonali Khobragade, Advocate for the petitioner
Mr. U. R. Phasate, APP for the respondents

CORAM: ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATED : 22-07-2025.

Heard.

2. The challenge is to categorization of the petitioner while extending benefit of early release. According to the petitioner, he should have been categorized under category 3(b) of the Government Resolution (G.R.) dated 15-3-2010. By this resolution, the Government has laid down guidelines for releasing the convicted persons. Category 3 refers to offences of murders arising out of land dispute, family feuds, family prestige and superstition.

3. In the present case, the petitioner along with three others have committed offence under Section 302 of the Indian Penal Code. The reason was previous enmity between wife of deceased and the petitioner. They do not belong to one family nor is there dispute on the ground of family prestige. The applicant and three others were charge-sheeted for having committed murder. In that view of the matter, the petitioner will fall in category 4(d), is the argument of learned Additional Public Prosecutor.

4. There appears substance in the argument. Category 4 of the G.R. refers to murders for other reasons and sub-clause (d) is meant for murder committed by more than one person/group of persons.

5. The authorities below taking aid of good behaviour of the petitioner and finding that his case fall in category 4(d), have passed order granting benefits in terms of the said category once he completes clear imprisonment for 14 years, which with all remissions will be for 24 years as stipulated in the guidelines. The petitioner is likely to complete these 24 years in short time and thereafter will be released in terms of impugned order. That being so, we do not find any merit in the petition. The petition is dismissed.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

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